

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Commercial Taxes Department - Surprise check conducted by ACB on Border Check Post of Commercial Taxes, Nagalapuram, Chittoor District on 15-05-2008 - Departmental action against CT staff - Enquiry conducted - Action against Sri S.Hanumaiah, former Assistant Commercial Taxes Officer, O/o.CTO, Proddutur-II, Chittoor District (now Retd.,) - Imposing punishment of 5% cut in pension for one year under Rule 9 of A.P.Revised Pension Rules, 1980 - Orders - Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.1106

Dated:08-12-2014

Read the following :

- 1.From DG, ACB, Lr.No.25/DES-TCT/2008, dt.28-08-2008.
- 2.Article of charges issued by the DC (CT) Chittoor, Rc.No.B1/298/2008, dated 04-12-2008.
- 3.From DC(CT)Chittoor, Progs.No.B1/291/08, dt.25-02-2009.
- 4.From DC(CT)Chittoor, Progs.No.B1/291/08, dt.09-10-2009.
- 5.From AC (CT), (Audit) Chittoor & EO, Enquiry Report No.1/09, dt.11-8-11
- 6.From DC(CT)Chittoor, Progs.No.B1/291/08, dt.08-12-2011.
- 7.From DC(CT)Chittoor, Progs.No.B1/291/08, dt.24-02-2012
- 8.From CTO (CT), Chittoor, & EO, Enquiry Report No.1/2009, dt.25-2-2013
- 9.From DC(CT)Chittoor Memo No.B1/291/08, dt.31-10-2013
- 10.CCT Ref.No.V3/1617/08, dt.22-01-2014 along with representation of Sri S.Hanumaiah, ACTO, (CO1) (Retd.), dt.29-11-2013.
- 11.Govt.Memo No.46329/Vig.II(3)/2008-7, dt.18-08-2014.
- 12.Representation dated 04-09-2014 from Sri S.Hanumaiah, ACTO (Retd.)
- 13.Govt.Letter No.46329/Vig.II(3)/2008-9, dt.28-10-2014.
- 14.From Secretary, A.P.Public Service Commission, Lr.No.1193/RT/3/2014, dated 27-11-2014.

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ORDER:

Whereas, in the reference 1st read above, it was brought to the notice of the Government that the ACB officials, Tirupathi Range have conducted surprise check on the Border Check Post of Commercial Taxes, Nagalapuram, Chittoor District on 15-05-2008 on the allegations that the staff working in the Check Post are indulging in corrupt practices and found certain irregularities. Hence, recommended to initiate disciplinary action against Sri S. Hanumaiah, Assistant Commercial Taxes Officer (now Retd) & six others.

2. And whereas, as per instructions issued by Government in memo dated 14-11-2008, the Disciplinary Authority i.e., the Deputy Commissioner, Commercial Taxes, Chittoor has initiated disciplinary action against the charged officer along with others. The following two charges are framed against Sri S.Hanumaiah, Assistant Commercial Tax Officer (now Retd.) vide reference 2nd read above :

Charge.I:-That Sri S.Hanumaiah, while working as ACTO at the Border Check Post of CT, Nagalapuram, chittoor District engaged un-authorised private persons at the Check post for collecting bribe amounts from the truck / lorry operators passing through the check post on behalf of the staff besides utilizing their services for official duties at the check post and thereby indulged and encouraged habitual corruption among his sub-ordinates.

Charge.II:-That Sri S.Hanumaiah, while working as ACTO at the Border Check Post of CT, Nagalapuram, chittoor District was found in possession of excess cash of Rs.4,000/- than the cash declared by him in the Personal cash register during the surprise check conducted by the ACB officials on 15-05-2008.

P.t.o.

3. And whereas the Written Statement of Defence submitted by the Charged Officer is not satisfactory, the Disciplinary Authority has ordered for a regular enquiry by appointing the Assistant Commissioner, (Audit), Chittoor Division as Enquiry Authority. The Enquiry Officer has submitted the Inquiry report vide reference 5th read above, and held that both the charges framed against Sri S.Hanumaiah, Assistant Commercial Tax Officer (now Retd.) as not proved.

4. Whereas, the disciplinary authority after examining the Inquiry Report observed that the witnesses were not examined properly, hence ordered for re-enquiry into the matter by appointing Assistant Commissioner, Commercial Taxes (Audit) (FAC), Chittoor Division as Enquiry Authority. The second Inquiry Authority submitted the Inquiry Report vide reference 8th read above stating that the charges framed against Sri S.Hanumaiah, Assistant Commercial Tax Officer (Accused Officer) are not held proved.

5. Whereas, the disciplinary authority has not accepted the findings of the second Inquiry Authority in respect of Charge No.2 framed against Sri S.Hanumaiah, Assistant Commercial Tax Officer (Charged Officer) on the ground that had the excess amount of Rs.11,050/- which was in possession of the four charged officers of which Rs.4,000/- was in possession of the Charged Officer, really belongs to one Sri T.Rajesh alias Yadeswaram, Generator Operator of BCP, Nagulapuram who come to the Check Post at the time of surprise check to apply leave, then the same would have been claimed by him either by making a representation to the Assistant Commercial Tax Officer, who is in-charge of the Check Post or to the ACB officials. As per the first enquiry report, no claim has been made by him till 12-03-2010. Hence disagreed with the findings of both the Inquiry Officers in respect of Charge No.2 and communicated the disagreement factors along with the Inquiry Report to the Charged Officer vide reference 9th read above.

6. The Commissioner of Commercial Taxes, A.P., Hyderabad vide reference 10th read above submitted report to the Government along with the representation of the Charged Officer to the disagreement factors for taking further action against him under Rule 9 of A.P.Revised Pension Rules, 1980 as the charged officer retired from service pending disciplinary action against him.

7. And whereas, the Government after considering the material available on record & after examining the representation of the Charged Officer have provisionally decided to impose a punishment of 5% cut in pension for one (1) year against Sri S. Hanumaiah, former Assistant Commercial Taxes Officer, (Charged Officer - 1), Chittoor Division, Chittoor District (now Retd.,) under rule 9 of A.P.Revised Pension Rules, 1980 and communicated the same to Charged Officer vide reference 11th read above to submit his representation. The Charged Officer has submitted representation vide reference 12th read above re-iterating the contents earlier stated and requested to drop further action against him.

8. Government have examined the matter in detail and decided to confirm the provisional decision i.e., to impose the penalty of 5% cut in pension for one year against Sri S.Hanumaiah, former Assistant Commercial Taxes Officer, (Charged Officer-1), Chittoor Division, Chittoor District (now Retd.,) as he did not put forth any new grounds for consideration. The concurrence of the A.P.Public Service Commission has been obtained in the reference 14th read above (copy enclosed).

9. Government, accordingly hereby order to impose the punishment of 5% (five percent) cut in pension for a period of one (1) year against Sri S.Hanumaiah, former Assistant Commercial Taxes Officer, (Charged Officer - 1) Chittoor Division, Chittoor District (now Retd.,) under rule 9 of A.P.Revised Pension Rules, 1980.

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10. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri S.Hanumaiah, Asst.Commerical Taxes Officer, (retd.),

O/o.CTO, Proddutur-II, Chittoor District

through the Commissioner of Commercial Taxes, A.P, Hyderabad

The Commissioner of Commercial Taxes, A.P, Hyderabad

(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:

The Secretary, A.P. Vigilance Commission, A.P., Hyderabad.

The Director General., Anti-Corruption Bureau., A.P., Hyderabad.

The Secretary, A.P. Public Service Commission, Hyderabad.

The Accountant General, AP, Hyderabad.

The Director, Treasuries & Accounts, A.P, Hyderabad.

The Deputy Commissioner, Commercial Taxes, Chittoor District.

SF/SC.

//Forwarded :: By Order //

SECTION OFFICER.